

**NOV 03 2006**U.S. Appln. No. 09/835,515  
Attorney Docket No. 2916-0133P  
Page 13 of 16**REMARKS**

Supplemental to the Amendment filed on August 22, 2006, claims 1-12, 14-20, 22-26, 35-38, 44-47 and 51 are pending in the present application. Claim 44 is independent and claims 1 and 16 now depend from claim 44. By this reply, claims 48-50 have been cancelled and new claim 51 has been added.

The claims have been amended to clarify the invention and to improve form according to U.S. patent practice. For instance, 'said' has been changed to --the-- to provide consistency in the claims. The amendments to the claims, including new claim 51, are fully supported by the original disclosure. For instance, amended independent claim 44 is supported by, e.g., Figs. 7-9 and 25-27 and the corresponding discussion in the specification, and original claims 28-30.

**PERSON INTERVIEW CONDUCTED**

Applicants appreciate the Examiner for the personal interview conducted on October 12, 2006. During the interview, the Examiner asked Applicants to remove the term "operable" from the claims to improve form. Thus, the claims have been amended as requested by the Examiner.

**35 U.S.C. §103 REJECTION**

Claims 1-12, 14-20, 22-26, 35-38 and 44-47 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Mao et al. (U.S. Patent No. 6,459,427) in view of Eldering et al. (U.S. Patent No. 6,820,277). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

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Without acquiescing to any of the Examiner's allegations made in rejecting these claims, to expedite prosecution only, independent claim 44 has been amended to further clarify that the data broadcasting system includes, *inter alia*:

at least one content provider unit to generate...insertion instructions for inserting the digital content into a broadcast signal, wherein the digital content pertains to data broadcasting; and

a content liaison unit to allocate a bandwidth profile to each of the at least one content provider unit, ... and to insert the digital content into the broadcast signal according to the insertion instructions based on the bandwidth profile allocated to the each of the at least one content provider unit,

wherein the bandwidth profiles are communicated from the content liaison unit to the at least one content provider unit over a communication network..., and

wherein the insertion instructions generated by each content provider unit *completely* determines a time at which each digital content item is inserted into the broadcast signal, *independently* of the insertion instructions generated by any other content provider unit.

These features are clearly absent from Mao et al. and Eldering et al., either taken singularly or in combination. As discussed during the interview, in Eldering et al., the AMS uses computer-calculated correlations between the characteristics of the ads and avails to facilitate the assignments of ads to avails. In clear contrast, in Applicants' embodied invention, the content liaison unit allocates and provides bandwidth profiles to one or more content provider unit, and each content provider unit identifies the content it wants to broadcast and provides scheduling instructions (e.g., insertion instructions) to the content liaison unit to broadcast this content. Each content provider unit can operate freely within its own bandwidth allocation, such that the insertion instructions generated by each content provider unit *completely* determines the time at which the digital content is inserted into the broadcast signal, *independently* of any other content provider units. As a result, there is no contention between content providers, since each one has its own bandwidth allocation and schedules its own content within the context of the allocated

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bandwidth. Clearly, such Applicants' system, insofar as it is recited in claim 44, is completely and patentably distinct from the Mao-Eldering combination.

Moreover, according to Applicants' embodied invention, the ability of each content provider to determine the timing of content distribution, and to make his/her own timing trade-offs among different content items he/she wants to distribute, is one of many advantageous features of the invention. This is at least one reason why the present invention gives the content provider maximum freedom to make these decisions, within the context of a bandwidth allocation given to them by the broadcaster, rather than having some kind of automated system trade off the needs of different content providers against each other and make automated scheduling decisions.

Accordingly, independent claim 44 and their dependent claims (due to the dependency) are patentable over the applied references, and the rejection is improper and should be withdrawn.

### CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

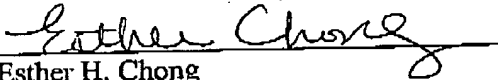
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If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: November 3, 2006

Respectfully submitted,

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